

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

ESTATE OF ALVIN COLE, et al.,

Plaintiff,

Case No.: 22-CV-856

v.

JOSEPH ANTHONY MENSAH,

Defendant.

PLAINTIFFS' PRETRIAL REPORT

Plaintiffs, the Estate of Alvin Cole, by and through his attorneys, Cade Law Group LLC and Motley Legal Services, pursuant to the Court's Order, provides the following Pretrial Report.

A. SHORT STATEMENT OF FACTS.

This is a civil action brought pursuant to 42 U.S.C. § 1983. Defendant, former Wauwatosa Police Officer Joseph Mensah used deadly excessive force against Alvin Cole on February 2, 2020, killing him. Defendant alleges that, upon arrival, Mensah located Alvin Cole and justifiably shot and killed him. Plaintiffs allege that Defendant Joseph Mensah shot Alvin Cole, without cause, killing him.

B. STATEMENT OF ISSUES.

The issues for a jury to determine in this matter are:

1. Did the actions of Defendant Joseph Mensah constitute unreasonable excessive force against Alvin Cole?
2. Is Defendant Joseph Mensah liable for the loss of society and

companionship of Alvin Cole to his parents?

C. PLAINTIFF'S WITNESSES.

1. Tracy Cole, Alvin Cole's mother, has knowledge and information concerning matters and facts related to some of the allegations in the Complaint, and damages. Mrs. Cole may be reached through his counsel.

2. Albert Cole, Alvin Cole's father, has knowledge and information concerning matters and facts related to some of the allegations in the Complaint, and damages. Mr. Cole may be reached through his counsel.

3. Defendant Joseph Mensah, has knowledge and information concerning some of the matters and facts related to the allegations in the Complaint, each claim, and damages. Mensah may be reached through his counsel.

4. David Shamsi, was employed by the Wauwatosa Police Department and worked on the night of the shooting. He may have knowledge and information concerning some of the matters and facts related to the allegations in the Complaint. Shamsi is now employed by the FBI and can be reached at 3600 S Lake Drive, St. Francis, WI 53235.

5. Evan Olson, was employed by the Wauwatosa Police Department and worked on the night of the shooting. He may have knowledge and information concerning some of the matters and facts related to the allegations in the Complaint. Olson may be reached through Defendant's counsel.

6. Jeffrey Johnson, was employed by the Wauwatosa Police Department and worked on the night of the shooting. He may have knowledge and information concerning some of the matters and facts related to the allegations in the Complaint. Johnson may be reached through Defendant's counsel.

7. Dexter Schleis, was employed by the Wauwatosa Police Department and worked on the night of the shooting. He may have knowledge and information concerning some of the matters and facts related to the allegations in the Complaint. Schleis may be reached through Defendant's counsel.

8. Barry Weber, was employed by the Wauwatosa Police Department. He may have knowledge and information concerning some of the matters and facts related to the allegations in the Complaint. Weber may be reached at W157N9925 Bayberry Circle, Menomonee Falls, WI 53022.

9. Jeffrey Farina, was employed by the Wauwatosa Police Department. He may have knowledge and information concerning some of the matters and facts related to the allegations in the Complaint. Farina may be reached through Defendant's counsel.

10. Matthew Johnson, is employed by the Wisconsin State Patrol. He may have knowledge and information concerning some of the matters and facts related to the allegations in the Complaint. He may be reached through Plaintiff's counsel.

11. Shenora Staten, may have knowledge and information concerning some of the matters and facts related to the allegations in the Complaint. She may be reached through Plaintiff's counsel.

12. Chloe Staten, may have knowledge and information concerning some of the matters and facts related to the allegations in the Complaint. She may be reached through Plaintiff's counsel.

13. Danyielle Bohannon, may have knowledge and information concerning some of the matters and facts related to the allegations in the Complaint. She may be reached through Plaintiff's counsel.

14. John Rawlings, may have knowledge and information concerning some of the matters and facts related to the allegations in the Complaint. He may be reached through Plaintiff's counsel.

15. Tyrese Varner, may have knowledge and information concerning some of the matters and facts related to the allegations in the Complaint. He may be reached through Plaintiff's counsel.

16. Kevin Dean, may have knowledge and information concerning some of the matters and facts related to the allegations in the Complaint. He may be reached through Plaintiff's counsel.

17. Yolanda Bonds, may have knowledge and information concerning some of the matters and facts related to the allegations in the Complaint. She may be reached through Plaintiff's counsel.

18. James Armstrong, was employed by the Wisconsin State Crime Lab and took scene photographs pertinent to this matter. He may be reached through Plaintiff's counsel.

19. Brian Miller, was a Forensic Investigator employed with the Milwaukee Police Department and took the autopsy photographs pertinent to this matter. He may be reached at 749 West State Street, Milwaukee, Wisconsin 53233.

20. Sean Kafer, is a videographer employed by Plaintiffs to authenticate the videos that he enhanced pertinent to this matter. He may be reached through Plaintiffs counsel.

21. Plaintiffs reserve the right to call any of the witnesses identified by Defendants and to amend this list based on the evidence, as presented by Defendants.

22. Plaintiff also reserves the right to call witnesses to provide rebuttal testimony.

D. EXPERT WITNESSES.

In accordance with Fed. R. Civ. P. 26(a)(2), Plaintiffs disclose the following expert witnesses. Plaintiff also reserves the right to call any of the expert witnesses identified by Defendants.

1. Dr. Wieslawa Tlomak, is the Chief Medical Examiner for Milwaukee County and conducted Alvin Cole's autopsy. She is an expert witness who has knowledge about the nature of Alvin Cole's injuries.

2. Ricky Burems, is an expert witness, who has knowledge of use of force, police policies and practices, and police investigations. Mr. Burems will testify consistent with his opinions contained within his expert report.

E. LIST OF EXHIBITS

1. Plaintiff reserves the right to use any exhibit identified by Defendant.
2. Plaintiff reserves the right to use any document for rebuttal.
3. Plaintiff reserves the right to use demonstrative exhibits.
4. Plaintiffs exhibit list to be filed separately.

F. DESIGNATION OF DEPOSITIONS OR PORTIONS OR TRANSCRIPTS TO BE READ OR PLAYED AT TRIAL.

Portions of these depositions will be played and/or read if appropriate for the jury contingent upon the testimony. We reserve the right to use any portion of any deposition in this matter or others for impeachment purposes.

1. Depositions of Joseph Mensah, dated March 17, 2022, February 28, 2023, and/or June 26, 2023.

2. Depositions of Barry Weber dated September 16, 2022, June 6, 2023, and/or July 7, 2023.

3. Deposition of Evan Olson dated June 27, 2023.

4. Deposition of Jeffrey Johnson dated July 7, 2023.

5. Deposition of David Shamsi dated June 27, 2023.

6. Deposition of Dexter Schleis dated June 27, 2023.

G. TIME ESTIMATE.

Plaintiff believes that the case will take five (5) days to try, including voir dire and jury deliberations.

H. VOIR DIRE QUESTIONS.

Proposed voir dire questions are being filed contemporaneously with this report.

I. SPECIAL VERDICT FORM.

A proposed special verdict form is being filed contemporaneously with this report.

J. PROPOSED JURY INSTRUCTIONS

Proposed jury instructions are being filed contemporaneously with this report.

Respectfully submitted this 10th day of February 2025

CADE LAW GROUP LLC

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